

SEVENTEENTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, February 3, 1914.

The Senate met at 1:30 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answered to their names:

Astin.	Johnson.
Bailey of DeWitt.	King.
Bailey of Harris.	McNealus.
Bee.	Morrow.
Brelsford.	Nugent.
Clark.	Page.
Conner.	Parr.
Cowell.	Robbins.
Darwin.	Smith.
Gibson.	Suiter.
Hall.	Townsend.
Harley.	Westbrook.
Harris.	Wiley.
Henderson.	

Absent.

Lattimore. McGregor.

Absent—Excused.

Hudspeth. McCollum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Bailey of Harris.

Excused.

On account of important business, Senator McCollum, for non-attendance today and balance of this week, on motion of Senator Johnson.

See Appendix for Petitions and Memorials and Standing Committee reports.

Simple Resolution No. 61.

By Senator Johnson:

Resolved, That the President of the Senate be requested to have prepared daily enough typewritten copies of the Calendar of the Senate, to be placed upon the desks of all Senators and such officials as may be necessary in order that Sen-

ators may inform themselves upon bills to be considered during the day.

The above resolution was read and adopted. Unanimous consent was given for the consideration of the resolution at this time.

Bills and Resolutions.

(By unanimous consent.)

By Senator Nugent:

S. B. No. 205, A bill to be entitled "An Act amending Articles 2440, 2441, 2442, 2443, 2444 and 2445, Chapter 2, Title 44, of the Revised Civil Statutes of the State of Texas of 1911, providing for county depositories; providing that such county depositories shall be limited to National banks and State banks; providing that the amount of the bond of county depositories shall in no event be for less than the total amount of revenue of the county for the next preceding year; adding Article 2443a; providing for and requiring special additional bond to cover any or all special funds, including proceeds of sale or sales of bonds belonging to the county or a subdivision thereof, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Conner:

S. B. No. 206, A bill to be entitled "An Act to establish the Central West Texas Normal College; providing for a locating committee, and the manner of locating same, and for the control of same; and making an appropriation therefor."

Read first time, and referred to Committee on Educational Affairs.

By Senator Cowell:

S. B. No. 207, A bill to be entitled "An Act to repeal Section 4 of Chapter 150, General Laws of the State of Texas, passed by the Thirty-third Legislature at its Regular Session, as originally enacted and as amended by Chapter 13, General Laws of the State of Texas, passed by the Thirty-third Legislature, at its First Called Session; fixing and regulating fees to be paid to county witnesses in felony cases; and declaring an emergency."

Read first time, and referred to Finance Committee.

By Senators Robbins and Harley:

S. B. No. 208, A bill to be entitled "An Act to create a board which shall hereafter be known as University Law Text Book Board. The board shall consist of the Attorney General, the Supreme Court and the Dean of the Law Department of the University of this State. The board shall have authority and it shall be its duty to pass upon and select all books used in teaching law at the University of this State. They shall meet in the city of Austin at whatever time the board may deem necessary to transact the business of said board. The board shall have authority to make all rules and regulations governing its actions."

Read first time, and referred to Committee on Educational Affairs.

By Senator Bailey of DeWitt:

S. B. No. 209, A bill to be entitled "An Act to increase the authority and duties of the commissioners court of Victoria County, Texas, and of the county commissioners of said county; to require said county commissioners to devote their entire time and attention to the affairs of said county, and to fix the salary for the members of said commissioners court, and repealing all laws, general and special, in conflict with the provisions of this Act, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

S. B. No. 210, A bill to be entitled "An Act to provide a systematic method of eliminating and cancelling obsolete or abandoned marks and brands now of record in the various counties of the State, and providing for a systematic method of recording and indexing marks and brands of owners of cattle, hogs, sheep and goats; prescribing the time in which owners of marks and brands now of record shall have in which to have such marks and brands re-entered of record, in accordance with this Act; fixing the fees of the county clerks of the counties of this State for recording and indexing such marks and brands, and repealing Articles 7151, 7152, 7153, 7154, 7155, 7156, 7157, 7158, 7159 and 7160, Chapter 1, Title 127, and repealing all laws in conflict with this Act, and declaring an emergency."

Read first time, and referred to

Committee on Stock and Stock Raising.

By Senator Westbrook:

S. B. No. 211, A bill to be entitled "An Act prohibiting the use of locomotives on railroads allowing sufficient steam to escape to obscure the vision of those operating same or employed around such locomotive; providing penalties for violation of the Act."

Read first time, and referred to Committee on State Affairs.

By Senator McNealus:

S. B. No. 212, A bill to be entitled "An Act to amend Article 1162 of Chapter 3, Title 25, of the Revised Civil Statutes of 1911, conferring on corporations the power to borrow money, the purpose of the amendment being to permit corporations to borrow in excess of the amount of their authorized capital stock, and to declare an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Brelsford:

S. B. No. 213, A bill to be entitled "An Act to amend Sections 36, 40, 42, 49 and 104 of Chapter 172, Acts of the Thirty-third Legislature of the State of Texas, and to provide for the collection of taxes in irrigation districts; fixing the time for the payment of such taxes; providing a penalty for failure to pay such taxes within the time fixed for payment; providing for the seizure and sale of personal property for the collection of such taxes; providing for making a delinquent tax record; providing for the keeping of accounts by the tax assessor and collector, and the keeping of a finance ledger for irrigation districts; providing that the tax assessor and collector shall make an annual report; and for the auditing of such annual report, and for settlements with the tax assessor and collector; providing for meetings of board of directors, for issuance of vouchers by four directors, for keeping of accounts of irrigation districts, for appointment of auditor for irrigation districts, and for reports of such auditor."

Read first time, and referred to Committee on Mining and Irrigation.

By Senator Brelsford:

S. B. No. 214, A bill to be entitled "An Act to define the means of de-

termining who are the holders of title and evidence of title to lands in an irrigation district and who are required to sign petitions for the organization of irrigation districts, and providing that such owners and holders of title or evidence of title, shall be determined by the county tax rolls, and declaring all such irrigation districts which have been organized or which are being organized on petitions so signed, and otherwise in accordance with the requirements of law to be valid and to validate same."

Read first time, and referred to Committee on Mining and Irrigation.

By Senator Brelsford:

S. B. No. 215, A bill to be entitled "An Act to amend Section 2, Chapter 8, of the Special Laws of the Twenty-eighth Legislature, being 'An Act to create a more efficient road system for Eastland County, Texas, and making the county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the roads of said county, and providing for officers' fees, and rewards for the capture of escaped convicts, and authorizing the working of county convicts partly upon the county convict farm as well as upon the public roads, or partly upon both, in the discretion of the county commissioners court, and making provision applicable as far as practicable to convicts when worked on county farms, and to provide for the summoning of teams for road work and for an allowance of time of road service for same, and fixing a penalty for violation of this Act, and to repeal all laws in conflict with this Act as to Eastland County; and to authorize the commissioners court of Eastland County to create the office of superintendent of public roads and highways of Eastland County; and to provide for the election of said superintendent, and defining his duties, and providing for compensation of said superintendent when elected or appointed, and prescribing bond to be given by said officer; providing for the condemnation of any land needed for the widening, straightening, changing or draining of roads;

providing for the taking of timber, gravel, earth, stone or other necessary material for the improvement of roads, and giving persons summoned to work upon the roads the right to be relieved from the discharge of such duty upon the payment of specific sums of money herein stipulated; providing for the collection of such sums of money by road overseers; prescribing penalties for failure to comply with this Act, and to authorize said county to issue bonds for the construction and maintenance of roads and highways and purchase and construction of bridges within said Eastland County; and providing that the commissioners court of said county shall not be compelled to require persons subject to road duty to work on roads, but said court shall have authority to cause said roads to be worked wholly by taxation, or by taxation in connection with road service as said court may deem best,' so as to permit the commissioners court of said county to pay not to exceed \$3.00 per day of ten hours for a team and driver, and not to exceed \$1.50 per day of ten hours for day hands."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senator McNealus:

S. B. No. 216, A bill to be entitled "An Act to authorize the formation of domestic corporations for the purpose of buying, selling, storing and transporting oil, gas or other mineral substances by means of pipe lines, and declaring all corporations, persons or associations of persons now engaged or to hereafter engage in transporting such oil, gas or other substances from place to place for hire in this State to be common carriers; defining such common carriers and public utilities, and making such common carriers subject to the provisions hereof, and extending the right of eminent domain to such corporations, and regulating the rate of such transportation and storage by such common carriers; providing for the storage of products to be transported by them, and fixing the rate and toll charges to be made for storage of the same, and authorizing the condemnation of private property and use of streets, roads, alleys, and railway rights-of-ways for all purposes incidental to

the construction of their pipe lines and equipment; granting them the right to establish, maintain and operate telegraph lines upon their rights-of-way in connection with their business; to condemn land for such line; to own, lease, purchase or charter steamboats, ships, or other vessels or water craft for their purposes, and providing against discrimination in the conduct of their business; requiring all pipe line companies and common carriers, as above defined, to receive and transport such products, and fixing the charges therefor; requiring the construction and maintenance of loading racks and transfer and delivery stations and the transfer and delivery of such products from one such common carrier to another, and fixing the charges for such loading and transfer, and defining merchantable oil, and fixing the amount of deductions to be made; requiring connections with producing wells in proven fields into which such common carrier pipe lines are now constructed or may hereafter be constructed; fixing the amount of arbitrary deductions and gathering charges; authorizing the purchase and sale of oil by such common carrier, and giving to any commission or other tribunal now existing or hereafter to be created, power to enforce the provisions of this Act; providing that the rates and regulations fixed by this Act shall remain in force until changed or substituted by such tribunal having authority to make rates and regulations; fixing penalties for violation of this Act; making certain violations a criminal offense, and fixing the penalty therefor, and providing means for the recovery for party aggrieved by such violations; naming the tribunal in which such recovery may be had, repealing all laws in conflict with this Act, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Bailey of Harris et al.:

S. B. No. 217, A bill to be entitled "An Act to appropriate the sum of twenty-five thousand (\$25,000) dollars to be used by the Panama-Pacific International Exposition of Texas for building, equipping and providing for the representation of the State of Texas at the Panama-Pacific International Expo-

sition at San Francisco, and declaring an emergency."

Read first time, and referred to Committee on State Affairs.

By Senator McNealus:

S. B. No. 218, A bill to be entitled "An Act conferring original concurrent jurisdiction on the criminal district court of Dallas County and criminal district court No. 2 of Dallas County with each other and with the county court of Dallas county at law in matters and proceedings relative to criminal cases of which the county court of Dallas county at law now has jurisdiction; authorizing the transfer of such cases from the county court of Dallas County at law to criminal district court No. 2 of Dallas County, and from each of said criminal district courts to the other and to the county court of Dallas County at law; authorizing the filing of such misdemeanor cases in said criminal district courts; regulating the taxing of fees and costs and the apportioning of the same between the county clerk of Dallas County and the clerk of the district court of Dallas County; providing a fee for such transfer; regulating the taxing of costs, making all fees taxed as costs against the defendant the same as they are now so taxed in the county court of Dallas County at law; providing that all bail bonds and recognizances taken for the appearance of defendants, parties, witnesses and their sureties for such appearance in either of said courts in which said causes may be pending or to which the same may be transferred, and providing for the keeping of a misdemeanor docket by said criminal district courts; and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.

By Senator Henderson:

S. B. No. 219, A bill to be entitled "An Act to establish the Stephen F. Austin State Normal College; providing for a locating committee, and the manner of locating same, and for the control of same; and making an appropriation."

Read first time, and referred to Committee on Educational Affairs.

By Senator McNealus:

S. B. No. 220, A bill to be entitled "An Act to amend Article 1162 of

Chapter 3, Title 25, of the Revised Civil Statutes of 1911, conferring on corporations the power to borrow money, the purpose of this amendment being to permit corporations to borrow in excess of the amount of their authorized capital stock, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Hall, by request:

H. B. No. 221, A bill to be entitled "An Act to amend Section 19 of the special road law for Brazoria County, passed by the Thirty-third Legislature of the State, at its Regular Session; to provide for maturity of all road bonds to be issued by Brazoria County, or any political subdivision thereof; providing that such bonds shall, in all other respects, conform to the requirements of Chapter 2, Title 18, of the Revised Statutes of Texas, and validating elections held in Brazoria County for the issuance of such bonds."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senator Hall:

S. J. R. No. 9, providing for the division of the State of Texas and the creation of three separate States, to be known and designated, as North Texas, South Texas, and Jefferson."

Read first time, and referred to Committee on Constitutional Amendments.

By Senator Harley:

S. J. R. No. 10, to be entitled "A Joint Resolution submitting to a vote of the people of Texas an amendment to Article 8 of the Constitution of said State, by adding, after Section 1 of said Article, a new section to be known as Section 1a, which in substance confers on the Legislature authority to declare the class of property, whether real, personal, mixed or intangible, which shall be taxed partially or wholly for county or other municipal, district or county purposes, and to declare what class of property, whether real, personal, mixed or tangible, shall be taxed partially or wholly for State or other purposes."

Read first time, and referred to Committee on Constitutional Amendments.

By Senator Brelsford:

S. J. R. No. 11, entitled "A Joint Resolution proposing an amendment to Section 2 of Article 6, of the Constitution of the State of Texas, by adding thereto a provision authorizing a qualified voter to vote for State officers or on any proposition submitted to the voters of this State in a precinct other than the precinct of his residence under certain conditions, and making an appropriation therefor."

Read first time, and referred to Committee on Privileges and Elections.

Here the time for the Executive Session, 2 o'clock p. m., having arrived, the Chair so announced.

On motion of Senator Bailey of DeWitt, the time for the Executive Session was postponed until 2:15 p. m. today.

Senate Bill No. 104—Recommitted.

On motion of Senator Henderson, S. B. No. 104 was recommitted, he being author of the bill.

EXECUTIVE SESSION.

The Chair here announced that the hour, 2 o'clock p. m., previously designated for the Senate to hold Executive Session, had arrived, and directed the Chamber cleared of those not entitled to remain.

In Executive Session, the following confirmations were made, as reported by the Secretary:

To be members of the Board of Regents of the State University:

Dr. Geo. S. McReynolds, of Bell County.

Dr. S. J. Jones, of Bell County.

Dr. M. Faber, of Smith County.

To be members of the State Library Commission:

Hugh Fitzgerald, of Tarrant County.

Mrs. Joseph B. Dibrell, of Guadalupe County.

Mrs. John G. McKay, of Bell County.

To be members of Board of Regents Normal Schools:

Jos. S. Kendall, of Dallas County.

A. B. Martin, of Swisher County.

To be members of Governing Board of Experimental Stations:
Will H. Mayes, of Brown County.
P. L. Downs, of Bell County.
J. R. Boog-Scott, of Coleman County.

Charles Rogan, of Travis County.
To be members of Board of Central Girls' Training School:

Patrick Henry, of Tarrant County.
Mrs. Kate M. Rotan, of McLennan County.

Mrs. W. V. Galbreath, of Tarrant County (reappointed).

To be members of Board of Managers of Orphans' Home, Corsicana:
Jas. S. Calicutt, of Navarro County.

Mat Young, of Navarro County.
To be members of Board Confederate Woman's Home:

W. S. Lemly, of Bell County.
Stanton Allen, of Bell County.

To be members of Board of Public Weighers, Galveston:

Captain E. K. Marrast.
O. R. Hoecker.
J. F. Blaeckie.
C. M. Wolston.
J. E. Labuzan.

To be members of the Board of Public Weighers, Houston:

C. P. Reynaud.
John D. Woolford.
A. Coles.
Wm. Edmondson.
David Rice.

To be members of the Board of Pilot Commissioners, Houston:

E. J. Hussion.
W. E. Humphreville.
Thomas Kefoe.
A. N. Latham.
Pat Foley.

To be members of the Board of Managers of the State Blind Institute, at Austin:

Ed Geison, of Hays County.
H. S. Lawson, of Travis County.

To be members of the Board of Managers State Deaf and Dumb Institute, at Austin:

Joe Koen, of Travis County.
Sid Nolan, of Travis County.

To be members of the Board of Managers of Deaf, Dumb and Blind Institute, Colored:

J. A. Patton, of Travis County.
Wash T. Maderis, of Travis County.

To be members of the Board of Managers of State Confederate Home:

John S. Pannell, of Travis County.

S. F. Evans, of Williamson County.

To be members of the State Mining Board:

A. S. Masters, of Erath County.
Archibald Koehler, of Bexar County.

W. K. Gordon, of Erath County.
Wm. Wimberly, of Wise County.

J. W. Cunningham, of Erath County.

C. N. Avery, of Travis County.

W. R. Dunlaney, of Williamson County.

To be members of the Board of Managers of State Epileptic Colony:

Geo. L. Menter, of Taylor County.
E. E. Hall, of Taylor County.
D. E. Russell, of Taylor County.

Hon. Edwin J. Clark, as judge of Seventy-fourth Judicial District Court.

John F. Onion, Jr., of Bexar County, to be assistant district attorney of said county.

IN THE SENATE.

Motion to Reconsider Vote.

Senator Townsend moved, as a privilege motion, to reconsider the vote by which S. B. No. 4 and S. B. No. 61, with amendments, were recommitted, on yesterday.

Senator Henderson made the point of order that the motion to reconsider came too late, since the bills in question were in the hands of the committee.

The Chair overruled the point of order.

Action then recurred on the motion to reconsider, and Senator Morrow made the point of order that today being House Bill day, under the rules, that the consideration of the motion to reconsider was not in order at this time, but having been made should lie on the table until it was reached in order.

The Chair held that since the motion had been made, recognition having been given by unanimous consent of the Senate, that the motion to reconsider was in order.

Senator Conner made the point of order that when a committee had reported on a bill, and the bill having been recommitted without action, that the bill was at such stage of ac-

tion as though the bill had never been considered by the committee.

The Chair overruled the point of order.

Action then recurred on the motion to reconsider the vote by which S. B. No. 4 and S. B. No. 61, and amendments, were recommitted on yesterday, and the same was adopted by the following vote:

Yeas—17.

Astin.	Nugent.
Bailey of Harris.	Page.
Brelsford.	Parr.
Clark.	Robbins.
Gibson.	Smith.
Harris.	Townsend.
Johnson.	Westbrook.
King.	Wiley.
McNealus.	

Nays—8.

Bee.	Harley.
Conner.	Henderson.
Cowell.	Morrow.
Hall.	Suiter.

Present—Not Voting.

Bailey of DeWitt.

Absent.

Darwin.	McGregor.
Lattimore.	

Absent—Excused.

Hudspeth.	McCollum.
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Senate Bill No. 4.

Action then recurred on S. B. No. 4, under consideration at the time the vote was taken to recommit the bill, and Senator Clark moved to reconsider the vote by which the amendment by Senator Townsend et al. was tabled on yesterday. (See Journal of yesterday for the amendment.)

Senator Morrow made the point of order that the pending business was S. B. No. 157, being a special order.

The Chair overruled the point of order.

Action then recurred on the motion to reconsider the vote by which the pending amendment (by Townsend et al.) was, on yesterday, tabled.

The motion to reconsider was adopted by the following vote:

Yeas—16.

Astin.	McNealus.
Bailey of Harris.	Page.
Brelsford.	Parr.
Clark.	Robbins.
Gibson.	Smith.
Harris.	Townsend.
Johnson.	Westbrook.
King.	Wiley.

Nays—10.

Bailey of DeWitt.	Harley.
Bee.	Henderson.
Conner.	Morrow.
Cowell.	Nugent.
Hall.	Suiter.

Absent.

Lattimore.

Absent—Excused.

Hudspeth.	McCollum.
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Pairs Recorded.

Senator Darwin (present), who would vote "nay"; Senator McGregor (absent), who would vote "yea."

When the result was announced Senator Morrow made the point of order that it required a two-thirds vote, as provided by the amended Rule 63, holding that the amended rule would conflict with Rule 52, and being the last expression of the Senate, would be preferable.

The Chair overruled the point of order and reaffirmed the announcement that the motion to reconsider the vote by which the amendment had been tabled was adopted.

Action then recurred on the amendment, which was read, and was adopted by the following vote:

Yeas—17.

Astin.	Page.
Bailey of Harris.	Parr.
Brelsford.	Robbins.
Clark.	Smith.
Gibson.	Suiter.
Harris.	Townsend.
Johnson.	Westbrook.
King.	Wiley.
McNealus.	

Nays—8.

Bailey of DeWitt.	Hall.
Bee.	Harley.
Conner.	Morrow.
Cowell.	Nugent.

Present—Not Voting.

Henderson.

Absent.

Lattimore.

Absent—Excused.

Hudspeth.

McCollum.

Pairs Recorded.

Senator Darwin (present), who would vote "nay"; Senator McGregor (absent), who would vote "yea."

The bill, having been read second time, was passed to engrossment.

Senator Townsend moved that the constitutional rule requiring bills to be read on three several days be suspended, and S. B. No. 4 be put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—18.

Astin.	King.
Bailey of Harris.	McNealus.
Brelsford.	Page.
Clark.	Parr.
Cowell.	Robbins.
Gibson.	Smith.
Harris.	Townsend.
Henderson.	Westbrook.
Johnson.	Wiley.

Nays—7.

Bailey of DeWitt.	Morrow.
Bee.	Nugent.
Hall.	Suiter.
Harley.	

Absent.

Lattimore.

Absent—Excused.

McCollum.

Pairs Recorded.

Senator Darwin (present), who would vote "nay"; Senator McGregor (absent), who would vote "yea."

Senator Conner (present), who would vote "nay"; Senator Hudspeth (absent), who would vote "yea."

Senator Townsend moved to reconsider the vote by which S. B. No. 4 was passed to engrossment, and table the motion to reconsider.

The motion to table prevailed.

Reasons for Vote.

I assign the following reasons for

voting against S. B. No. 4, creating a new Court of Civil Appeals:

The total number of cases filed in the eight Courts of Civil Appeals now in existence during the term of 1913 and 1914 is as follows:

	Cases.
At Galveston	249
At Austin	137
At San Antonio	177
At Fort Worth	220
At Dallas	206
At Amarillo	185
At Texarkana	175
At El Paso	99

Total.....1,448

These figures include cases which were transferred from one court to another by order of the Supreme Court. Accurate figures are not at hand as to the number of these transfers, but from such data at hand it appears there were at least one hundred cases transferred. These transferred cases appear to have been filed twice, once in the court in which they were originally filed and once in the court to which they were transferred, and the total number of cases is reduced from 1,448 to 1,348 cases. The total number disposed of during the same period was 1,369 cases, as follows:

At Galveston	178
At Austin	164
At Dallas	181
At Fort Worth	201
At San Antonio	191
At Amarillo	181
At Texarkana	167
At El Paso	106

These figures indicate that the eight courts of civil appeals in existence during the nine-months session of 1913-1914 disposed of as many cases as were filed. The Supreme Court during the present term, beginning October, 1914, has disposed of 424 cases, most of them being upon application for writ of error. It would seem that instead of increasing the number of courts of civil appeals it would be better to give the Supreme Court discretion in making transfers from one court to another and to try to provide some means of appealing cases which will shorten the records and enable the appellant courts to pass upon them with greater ease and dispatch and, incidentally, materially reduce the cost of appeal.

MORROW.

I voted no on the amendment of

the Senator from Angelina (Townsend) providing for removing the Court of Civil Appeals from Galveston to Beaumont, not from any unfriendly feeling, or for lack of the most friendly feeling toward Beaumont, but the anxiety of Houston and Beaumont for such court offers no justification for taking the court away from Galveston, which has not been a party to this fight for a Court of Civil Appeals, and I do not feel that Galveston should be thus victimized.

I also voted no on the suspension of the rule because I can not give my assent to the haste of this measure in its wrong to Galveston.

NUGENT.

House Bill No. 48.

(Regular order.)

The Chair laid before the Senate, on second reading,

H. B. No. 48, A bill to be entitled "An Act to amend Chapter 68 of the General Laws of the Thirty-second Legislature and Chapter 154 of the Thirty-third Legislature, and to provide that sand and other deposits taken for the raising of the grade of the salt flats in the northern part of Corpus Christi and the lowlands lying north of the north boundary line of the city of Corpus Christi, in Nueces County, Texas, shall be exempt from the provisions of said Chapter 68, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read a second time and passed to a third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 48 put on its third reading and final passage by the following vote:

Yeas—23.

Astin.	Johnson.
Bailey of DeWitt.	King.
Bailey of Harris.	McNealus.
Bee.	Nugent.
Brelsford.	Page.
Clark.	Parr.
Cowell.	Robbins.
Darwin.	Smith.
Gibson.	Townsend.
Harley.	Westbrook.
Harris.	Wiley.
Henderson.	

Nays—2.

Conner.	Sulter.
Present—Not Voting.	
Hall.	Morrow.
Absent.	
Lattimore.	McGregor.
Absent—Excused.	
Hudspeth.	McCollum.

The bill was laid before the Senate, read third time, and passed by the following vote:

Yeas—21.

Astin.	Johnson.
Bailey of Harris.	King.
Bee.	McNealus.
Brelsford.	Nugent.
Clark.	Page.
Cowell.	Parr.
Darwin.	Smith.
Gibson.	Townsend.
Harley.	Westbrook.
Harris.	Wiley.
Henderson.	

Nays—3.

Conner.	Sulter.
Morrow.	
Present—Not Voting.	
Bailey of DeWitt.	Robbins.
Absent.	
Hall.	McGregor.
Lattimore.	
Absent—Excused.	
Hudspeth.	McCollum.

Senator Parr moved to reconsider the vote by which H. B. No. 48 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 80.

(Regular Order.)

The Chair laid before the Senate, on second reading,

H. B. No. 80, A bill to be entitled "An Act to amend the road law of Shelby County, and declaring an emergency."

The committee report, that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 80 put on its third reading and final passage by the following vote:

Yeas—24.

Bailey of DeWitt.	Johnson.
Bailey of Harris.	King.
Bee.	McNealus.
Brelsford.	Morrow.
Clark.	Nugent.
Cowell.	Page.
Darwin.	Parr.
Gibson.	Robbins.
Hall.	Smith.
Harley.	Suiter.
Harris.	Townsend.
Henderson.	Wiley.

Present—Not Voting.

Conner.

Absent.

Astin.	McGregor.
Lattimore.	Westbrook.

Absent—Excused.

Hudspeth.	McCollum.
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The bill was laid before the Senate, read third time, and passed by the following vote:

Yeas—22.

Bailey of DeWitt.	Henderson.
Bailey of Harris.	Johnson.
Bee.	McNealus.
Brelsford.	Morrow.
Clark.	Nugent.
Cowell.	Parr.
Darwin.	Robbins.
Gibson.	Smith.
Hall.	Suiter.
Harley.	Townsend.
Harris.	Wiley.

Nays—1.

Conner.

Absent.

Astin.	McGregor.
King.	Page.
Lattimore.	Westbrook.

Absent—Excused.

Hudspeth.	McCollum.
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Morning call concluded.

Senate Bill No. 159.

(Special order.)

S. B. No. 157 being a special order for this hour, Senator McNealus asked unanimous consent to consider S. B. No. 159 in lieu thereof, he being author of both bills. There was no objection.

The Chair laid before the Senate, on second reading,

S. B. No. 159, A bill to be entitled "An Act to amend Article 5598 of the Revised Civil Statutes of the State of Texas of 1911, Title 84, Chapter 1, by providing that nothing in said Title shall be construed to take away any now or heretofore existing defence to a civil action for libel, and preserving all such defences."

Pending discussion, Senator McNealus moved that the bill lie on the table subject to call.

The motion was adopted.

Senate Bill No. 175.

(By unanimous consent.)

The Chair laid before the Senate on second reading,

S. B. No. 175, A bill to be entitled "An Act to amend Chapter 135 of the General Laws of the State of Texas, passed by the Thirty-third Legislature at its Regular Session, said Chapter relating to the protection of the fish and oyster industries, by adding thereto Section 4, providing that Bosque County shall be exempt from the provisions and operation of said chapter."

The committee report, that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Harris, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 175 put on its third reading and final passage by the following vote:

Yeas—23.

Bailey of DeWitt.	Gibson.
Bailey of Harris.	Hall.
Bee.	Harris.
Brelsford.	Henderson.
Clark.	Johnson.
Conner.	King.
Cowell.	McNealus.
Darwin.	Nugent.

Parr.	Townsend.
Robbins.	Westbrook.
Smith.	Wiley.
Suiter.	

Absent.

Astin.	McGregor.
Harley.	Morrow.
Lattimore.	Page.

Absent—Excused.

Hudspeth.	McCollum.
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The bill was laid before the Senate, read third time, and passed by the following vote:

Yeas—24.

Astin.	Harris.
Bailey of DeWitt.	Henderson.
Bailey of Harris.	Johnson.
Bee.	King.
Brelsford.	McNealus.
Clark.	Nugent.
Conner.	Parr.
Cowell.	Smith.
Darwin.	Suiter.
Gibson.	Townsend.
Hall.	Westbrook.
Harley.	Wiley.

Absent.

Lattimore.	Page.
McGregor.	Robbins.
Morrow.	

Absent—Excused.

Hudspeth.	McCollum.
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Senator Harris moved to reconsider the vote by white S. B. No. 175 was passed and table to motion to reconsider.

The motion to table prevailed.

Senate Bill No. 121.

(By unanimous consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 121, A bill to be entitled "An Act to amend Chapter 74 of the Acts of the Regular Session of the Thirty-second Legislature, so amending said chapter as to declare what counties shall comprise the Forty-sixth Judicial District; to fix the time of holding court in the various counties of said district; to make the process issued or served before this Act takes effect, including recog-

nizances and bonds returnable to the terms of court as herein fixed; to repeal all laws in conflict herewith, and declaring an emergency."

The committee report, that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Johnson, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 121 put on its third reading and final passage by the following vote:

Yeas—25.

Astin.	Henderson.
Bailey of DeWitt.	Johnson.
Bailey of Harris.	King.
Bee.	McNealus.
Brelsford.	Nugent.
Clark.	Page.
Conner.	Parr.
Cowell.	Smith.
Darwin.	Suiter.
Gibson.	Townsend.
Hall.	Westbrook.
Harley.	Wiley.
Harris.	

Absent.

Lattimore.	Morrow.
McGregor.	Robbins.

Absent—Excused.

Hudspeth.	McCollum.
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The bill was laid before the Senate, read third time, and passed by the following vote:

Yeas—26.

Astin.	Henderson.
Bailey of DeWitt.	Johnson.
Bailey of Harris.	King.
Bee.	McNealus.
Brelsford.	Morrow.
Clark.	Nugent.
Conner.	Page.
Cowell.	Parr.
Darwin.	Smith.
Gibson.	Suiter.
Hall.	Townsend.
Harley.	Westbrook.
Harris.	Wiley.

Absent.

Lattimore.	Robbins.
McGregor.	

Absent—Excused.

Hudspeth.	McCollum.
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Senator Johnson moved to reconsider the vote by which S. B. No. 121 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 102.

(By unanimous consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 102, A bill to be entitled "An Act to amend Article 1533, Chapter 16, Title, 18, of the Revised Criminal Statutes of the State of Texas, by including therein the following: 'Also any ex-Confederate soldier making application for a pass accompanied by an affidavit made before the county judge of the county of his residence that he is an ex-Confederate soldier, the said county judge certifying that he is a reputable citizen of said county, that the applicant is well known to him; repealing all laws and parts of laws in conflict herewith, and declaring an emergency.'"

(President Pro Tem. Nugent in the chair.)

The bill was read second time and passed to engrossment.

On motion of Senator Brelsford, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 102 put on its third reading and final passage by the following vote:

Yeas—24.

Astin.	Henderson.
Bailey of DeWitt.	Johnson.
Bailey of Harris.	King.
Bee.	McNealus.
Brelsford.	Morrow.
Conner.	Nugent.
Cowell.	Page.
Darwin.	Smith.
Gibson.	Suiter.
Hall.	Townsend.
Harley.	Westbrook.
Harris.	Wiley.

Absent.

Clark.	Parr.
Lattimore.	Robbins.
McGregor.	

Absent—Excused.

Hudspeth.	McCollum.
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The bill was laid before the Senate and read third time. Senator Smith offered the following amendment:

Amend the bill, page 2, line 13, by adding after the word "soldier" the words "wife or widow."

The amendment was read and adopted by the following vote:

Yeas—22.

Astin.	King.
Bailey of DeWitt.	McNealus.
Bailey of Harris.	Morrow.
Bee.	Nugent.
Brelsford.	Page.
Cowell.	Parr.
Darwin.	Smith.
Gibson.	Suiter.
Hall.	Townsend.
Harley.	Westbrook.
Henderson.	Wiley.

Nays—2.

Conner.	Johnson.
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Absent.

Clark.	McGregor.
Harris.	Robbins.
Lattimore.	

Absent—Excused.

Hudspeth.	McCollum.
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Senator Townsend offered the following amendment:

Amend the bill by striking out all of the bill after the word "families," on page 1, line 31, of the bill.

TOWNSEND.
WILEY.

The amendment was read and Senator Brelsford moved to table same.

Adjournment.

On motion of Senator Clark, the Senate, at 5:50 o'clock, p. m., adjourned until 1:30 o'clock p. m., tomorrow.

APPENDIX.

Committee Reports.

Committee Room.

Austin, Texas, February 3, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred the memorial signed by T. J. Pulliam, Chas. L. Martin and S. A.

Hayden, a committee representing the Sterling Price Camp, United Confederate Veterans, Dallas, Texas,

Have carefully considered the same, and I am instructed to report it back to the Senate with the statement that there is now pending before the Legislature of Texas a bill amending the anti-pass law of Texas so as to authorize the railroad companies of the State to issue passes to Confederate veterans, and which bill has been reported favorable by a committee of this Senate, and in which report we heartily concur, and we believe if said bill shall be enacted into law, it will fully comply with the request stated in this memorial.

SUITER, Chairman.

Committee Room,
Austin, Texas, February 3, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 40, "An Act limiting the hours of labor for females employed,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the original bill do not pass, but that the following committee substitute do pass:

M'NEALUS, Chairman.

Senator Astin gave notice of a minority report that substitute bill do not pass.

By Committee. C. S. S. B. No. 40.

A BILL

To be entitled

An Act limiting the hours of labor for females employed in any factory, mine, mill, workshop, mechanical or mercantile establishment, laundry, hotel, restaurant or rooming house, theatre or moving picture show, barber shop, telegraph or telephone office, express or transportation company, or in any other establishment, institution or enterprise where females are employed, except as hereinafter provided; compelling each employer in any factory, mine, mill, workshop, mechanical or mercantile establishment, laun-

dry, hotel, restaurant or rooming house, theatre or moving picture show, telegraph or telephone office, express or transportation company, or any other establishment, institution or enterprise where females are employed to provide and furnish suitable seats for all such female employes when not engaged in their active duties as such employes; providing a penalty for refusal of such employer to comply with the provisions of this Act, or for permitting or suffering any superintendent, overseer, foreman or other agent of such employer, entrusted with authority, to violate any of the provisions of the Act; providing for extraordinary emergencies, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. No female shall be employed in any factory, mine, mill, workshop, mechanical or mercantile establishment, laundry, hotel, restaurant or rooming house, theatre or moving picture show, barber shop, telegraph, telephone or other office, express or transportation company, or any other establishment, institution or enterprise where females are employed, except as hereafter provided, for more than nine hours in any one calendar day nor more than fifty-four hours in any one calendar week; provided, however, that in case of extraordinary emergencies, such as great public calamities, or where it becomes necessary for the protection of human life or property, longer hours may be worked, but for such time not less than double time shall be paid such female, with the consent of the said female.

Sec. 1a. No female shall be employed in any laundry for more than fifty-four hours in one calendar week; the hours of such employment to be so arranged as to permit the employment of such female at any time so that she shall not work more than a maximum of eleven hours during the twenty-four hours' period of one day; provided, that if such female is employed for more than nine hours in any one day she shall receive pay at the rate of one and one-half times her regular pay for such time as she is employed for more than nine hours per day.

Sec. 1b. No female shall be employed in any factory engaged in the

manufacture of cotton, woolen or worsted goods for more than ten hours in any one calendar day, nor for more than sixty hours in any one calendar week.

Sec. 2. Every employer owning or operating any factory, mine, mill, workshop, mechanical or mercantile establishment, laundry, hotel, restaurant or rooming house, theatre or moving picture show, barber shop, telegraph or telephone or other office, express or transportation company, or any other establishment, institution or enterprise where females are employed, as provided by Sections 1, 1a and 1b, shall provide and furnish suitable seats, to be used by such employees when not engaged in the active duties of their employment, and shall give notice to all such female employees by posting, in a conspicuous place, in the premises of such employment, in letters not less than one inch in height, that all such female employees will be permitted to use such seats when not so engaged.

Sec. 3. Any employer, overseer, superintendent, foreman, or other agent of any such employer, who shall require any female to work in any of the places mentioned in Sections 1, 1a and 1b, more than the number of hours provided for in this Act during any day of twenty-four hours, or who shall fail, neglect, or refuse to so arrange the work of females employed in the said places mentioned in Sections 1, 1a and 1b, so that they shall not work more than the number of hours provided for in the Sections 1, 1a and 1b of this Act, during any day of twenty-four hours, or the number of hours prescribed by this Act in any one week, or who shall fail, neglect or refuse to provide suitable seats, as provided in Section 2 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction, shall be fined in any sum not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars, and each day of such violation and each such female employee required or permitted to work more than the time provided in the various Sections of this Act, shall constitute a separate offense.

Sec. 4. All laws or parts of laws in conflict herewith, and especially Senate Bill No. 30, entitled "An Act limiting the hours of labor for fe-

males, etc., of the Acts of the Thirty-third Legislature, approved April 16, 1913," are hereby repealed.

Sec. 5. The fact that the law now regulating the hours of labor for females is insufficient, and that thousands of women and girls in the State are being worked longer hours, to the great detriment of their physical, mental and moral welfare, constitutes and creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be, and the same is, hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, February 3, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

S. B. No. 152, A bill to be entitled "An Act providing that all property or moneys received as compensation for personal injuries sustained by the wife, shall be her separate property, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

MORROW, Chairman.

Committee Room,

Austin, Texas, February 3, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee, Judiciary No. 2, to whom was referred

S. B. No. 198, A bill to be entitled "An Act limiting justification for homicide in self-defense to the killing of another when it is absolutely necessary from danger that is urgent and pressing, and providing that it must appear that the person killed was the assailant or that the slayer had in good faith endeavored to decline the struggle; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am requested to report the same back to the Senate with the recommendation that it do pass.

CONNER, Acting Chairman.

Committee Room,
Austin, Texas, February 3, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

S. B. No. 204, A bill to be entitled "An Act to appropriate out of the general revenue not heretofore appropriated, the sum of \$25,000.00, or so much thereof as may be necessary, to defray the expenses of the Department of the State Health Officer of the State of Texas, in preventing an outbreak of the bubonic plague or the spread thereof, and declaring an emergency."

Have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do pass.

McNealus, chairman; Clark, Bee, King, Astin, Parr, Cowell.

Committee Room,
Austin, Texas, February 3, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

H. B. No. 127, A bill to be entitled "An Act to amend Articles 586 and 587 of the Penal Code, adopted in 1911, so as to provide penalty for betting on all public elections, and defining public elections, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DARWIN, Acting Chairman.

Committee Room,
Austin, Texas, February 3, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

S. B. No. 175, A bill to be entitled "An Act to amend Chapter 135 of the General Laws of the State of Texas, passed by the Thirty-third Legislature, at its Regular Session, said Chapter relating to the protection of the fish and oyster industries, by adding thereto Section 4, providing that Bosque County shall be exempt from the provisions and operations of said Chapter."

Have had the same under consideration, and beg leave to now report it back to the Senate with the

recommendation that it do pass, and be not printed.

DARWIN, Acting Chairman.

Committee Room,
Austin, Texas, February 3, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

H. B. No. 104, A bill to be entitled "An Act to amend Article 3136, Chapter 19, Title 49, of the Revised Civil Statutes of Texas of 1911, by making it an additional duty of the Secretary of State to certify all nominations for district office to the various county clerks."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

DARWIN, Acting Chairman.

Engrossing Committee Reports.

Committee Room,
Austin, Texas, February 3, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills, have carefully compared Senate Bill No. 160, and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, February 3, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills, have carefully compared Senate Bill No. 8, and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, February 3, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills, have carefully compared Senate Bill No. 29, and find same correctly engrossed.

WESTBROOK, Chairman.

Petitions and Memorials.

Senators Westbrook, Harris and Bailey of DeWitt each presented pe-

titions from numerous citizens of their respective districts protesting against any restrictions on wagon salesmen of medicines, toilet articles, spices, etc.

Senator Nugent offered telegram from John Sayles of Abilene, favoring passage of the Texas campaign bill.

Senator McNealus offered a letter from S. B. Weller of the Department of history of the Dallas High School, urgently protesting against the passage of H. B. No. 162, concerning the increased authority of the State Board of Health.

Senator McNealus offered the report of the Public Health Committee of Dallas County Medical Society, declaring in opposition to the optometry bill.

Telegrams also were presented by Senator McNealus from P. J. Duffy and others of Dallas, asking for time for payment of poll taxes to be extended, and from Robert J. Kleberg of Kingsville, soliciting support of bill to establish State Normal School in South Texas.

EIGHTEENTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, February 4, 1915.

The Senate met at 1:30 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answered to their names:

Bailey of DeWitt.	Johnson.
Bailey of Harris.	King.
Bee.	McNealus.
Brelsford.	Morrow.
Clark.	Page.
Conner.	Parr.
Cowell.	Robbins.
Darwin.	Smith.
Gibson.	Sulter.
Hall.	Townsend.
Harley.	Westbrook.
Harris.	Wiley.
Henderson.	

Absent—Excused.

Astin.	McCollum.
Hudspeth.	McGregor.
Lattimore.	Nugent.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

Excused.

On account of important business: Senator Nugent, for today and balance of this week, on motion of Senator Cowell.

Senator Astin, for today and balance of the week, on motion of Senator Bee.

Senator Lattimore, for non-attendance on yesterday and today, on motion of Senator Cowell.

On account of sickness:

Senator McGregor, for non-attendance from Monday until today, and for the balance of this week, on motion of Senator Hall.

Simple Resolution No. 62.

By Senator Brelsford:

Whereas, What purports to have been a report of proceedings of the Executive Session of the Senate of Texas on the 3rd of February, 1915, appears in an Austin newspaper of the 4th inst.; and,

Whereas, Said statements, if true, constitute an infraction of the Senate rules with reference to the secrecy of Executive Sessions, and if untrue, should be repudiated; therefore, be it

Resolved, That the Senate Committee on Rules be authorized and empowered to make a thorough investigation of the purported report of proceedings of the Executive Session of the Senate, and report its findings to the Senate for such action as the Senate may see fit to take, and that to this end said committee be authorized to summon witnesses, administer oaths and punish for contempt.

The resolution was read, and,

Senator Clark offered the following amendment to the resolution, which was adopted:

Amend resolution by providing that said committee shall be composed of three members of the Senate to be appointed by the President of the Senate.

The resolution, as amended, was adopted. The resolution was acted on by unanimous consent.

In accordance with the above resolution, the Chair appointed Sen-